

REMARKS**Summary of the Office Action**

Claims 1-13 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement.

Claims 1 and 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Asada et al. (U.S. Patent No. 7,038,989) (hereinafter "Asada").

Summary of the Response to the Office Action

Applicants have amended independent claims 1 and 13 to include the features of previous claim 2. Accordingly, claim 2 has been canceled claim 2 without prejudice or disclaimer. The dependencies of claims 3-5 have thus been amended to be dependent on newly-amended claim 1. Applicants have also amended claims 6-9 to rewrite the claims in independent form by incorporating features from original claim 1. Accordingly, claims 1 and 3-13 remain currently pending and under consideration.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 1-13 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Applicants have amended claims 1 and 13 in response to the Examiner's comments at page 2 of the Office Action in this regard. Applicants respectfully submit that the claims, as amended, fully comply with the requirements of 35 U.S.C.

§ 112, first paragraph. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, first paragraph be withdrawn.

Rejection under 35 U.S.C. § 103(a)

Claims 1 and 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Asada. In the previous Office Action dated December 19, 2006, claims 2-9 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner did not appear to repeat this indication in the latest Office Action. However, claims 2-9 are not rejected based on prior art in the latest Office Action. As a result, Applicants understand that the Examiner still believes that claims 2-9 include allowable subject matter so long as the rejections under 35 U.S.C. § 112, first paragraph are resolved. Applicants have resolved the issues under 35 U.S.C. § 112, first paragraph by the instant amendments, as discussed above.

Also, Applicants have amended independent claims 1 and 13 to include the allowable features of previous claim 2. Accordingly, claim 2 has been canceled claim 2 without prejudice or disclaimer. The dependencies of claims 3-5 have thus been amended to be dependent on newly-amended claim 1. Applicants have also amended claims 6-9 to rewrite the claims in independent form by incorporating features from original claim 1. Dependent claims 6-9 were previously indicated as including allowable subject matter, as discussed above. Accordingly, Applicants believe that newly-amended independent claims 1, 6-9 and 13 are now in prima-facie condition for allowance. Also, dependent claims 3-5 and 10-12 are in condition for allowance at least because of their dependence from newly-amended independent claim 1.

CONCLUSION

In view of the foregoing, Applicants respectfully request the entry of the Amendment to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Withdrawal of all outstanding rejections and/or objections are respectfully requested. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: June 4, 2007

By:



Paul A. Fournier
Reg. No. 41,023

Customer No. 055694
DRINKER BIDDLE & REATH LLP
1500 K Street, N.W., Suite 1100
Washington, DC 20005-1209
Tel.: (202) 842-8800
Fax: (202) 842-8465